

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

KARA JO AIKENS,) Case No.: 1:16-cv-10886
)
Plaintiff,)
v.)
)
SYNCHRONY FINANCIAL d/b/a)
Synchrony Bank f/k/a GE Capital Retail)
Bank,)
)
Defendant.)

COMPLAINT

NOW COMES Plaintiff, KARA JO AIKENS (“Plaintiff”), through her attorneys, KROHN & MOSS, LTD., and hereby alleges the following against Defendant, SYNCHRONY FINANCIAL d/b/a Synchrony Bank f/k/a GE Capital Retail Bank (“Defendant”):

INTRODUCTION

1. Plaintiff’s Complaint is based on the Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. § 227 *et seq.*

JURISDICTION and VENUE

2. Jurisdiction of this court arises pursuant to 28 U.S.C. § 1331 and 47 U.S.C. § 227.

3. Venue is proper pursuant to 28 U.S.C. § 1391(b)(2) as the conduct giving rise to this action occurred in this district as Plaintiff resides in this district and Defendant transacts business in this district”

PARTIES

4. Plaintiff is a natural person residing in Twining, Michigan, Arenac County.
5. Defendant is a business entity with an office located at 777 Long Ridge Rd.,

Stamford, CT, 06902.

6. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

FACTUAL ALLEGATIONS

7. In or around 2014, Defendant began placing telephone calls to (989) 414-98xx, Plaintiff's cellular telephone.

8. Defendant called Plaintiff's cell phone from telephone number (937) 534-2092.

9. When Plaintiff answered Defendant's phone calls, she experienced a delay before a voice recording or live human voice came on the line.

10. Defendant left at least one pre-recorded voicemail messages on Plaintiff's cell phone.

11. Defendant calls to Plaintiff's cell phone were attempting to reach an individual named Chris.

12. Plaintiff informed Defendant that she is not the individual Defendant was attempting to call.

13. Defendant continued to use a dialer to call Plaintiff's cell phone.

14. Upon information and good faith belief, based on the aforementioned, Defendant used an automatic telephone dialing system or other equipment capable of storing and/or producing telephone numbers to call Plaintiff.

15. These calls were for non-emergency purposes.

16. Plaintiff does not have any business relationship with Defendant.

17. Plaintiff never provided Defendant with her cell phone number.

18. Since October 29, 2014, Defendant used a dialer to call Plaintiff's cell phone at

least one hundred one (101) times.

19. Defendant did not have Plaintiff's express consent to use a dialer to place these calls to Plaintiff's cell phone.

20. Defendant intended to use a dialer to place these calls.

21. Defendant voluntarily and willfully uses a dialer to place these calls.

COUNT I
DEFENDANT VIOLATED THE TELEPHONE CONSUMER PROTECTION ACT

22. Defendant's actions alleged *supra* constitute numerous negligent violations of the TCPA, entitling Plaintiff to an award of \$500.00 in statutory damages for each and every violation pursuant to 47 U.S.C. § 227(b)(3)(B).

23. Defendant's actions alleged *supra* constitute numerous and multiple knowing and/or willful violates of the TCPA, entitling Plaintiff to an award of \$1500.00 in statutory damages for each and every violation pursuant to 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C).

WHEREFORE, Plaintiff, KARA JO AIKENS, respectfully requests judgment be entered against Defendant, SYNCHRONY FINANCIAL d/b/a Synchrony Bank f/k/a GE Capital Retail Bank, for the following

24. Statutory damages of \$500.00 for each and every negligent violation of the TCPA pursuant to 47 U.S.C. § (b)(3)(B);

25. Statutory damages of \$1500.00 for each and every knowing and/or willful violation of the TCPA pursuant to 47 U.S.C. § (b)(3)(B) and 47 U.S.C. § (b)(3)(C);

26. All court costs, witness fees and other fees incurred;

27. Any other relief that this Honorable Court deems appropriate.

KROHN & MOSS, LTD.

Dated: March 11, 2016

/s/ Adam T. Hill

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